

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

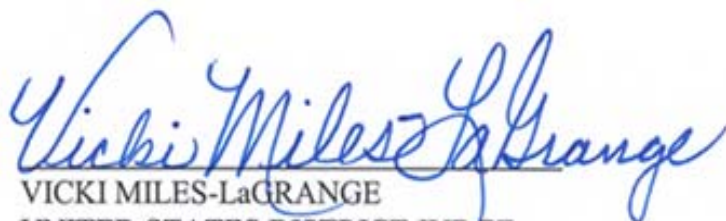
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CR-01-181-M
)	
MICHAEL GAITHER,)	
)	
Defendant.)	

ORDER

On May 1, 2003, this Court sentenced Defendant Michael Gaither to life imprisonment following his conviction on numerous drug charges. Gaither appealed his conviction and sentence to the United States Court of Appeals for the Tenth Circuit. The Tenth Circuit affirmed Gaither's conviction and sentence in an unpublished opinion. *United States v. Ward*, Nos. 03-6005, 03-6123, 03-6145, 2004 WL 909760 (10th Cir. Apr. 29, 2004). Gaither then filed a petition for writ of certiorari with the Supreme Court. On January 24, 2005, the Supreme Court granted Gaither's petition, vacated his judgment, and remanded the case to the Tenth Circuit for further consideration in light of *United States v. Booker*, 125 S. Ct. 738 (2005). In an Order and Judgment dated July 12, 2005, the Tenth Circuit remanded the case to this Court with instructions to vacate Gaither's sentence and to resentence him in accordance with *Booker*. The Mandate from the Tenth Circuit was filed in this Court on August 9, 2005.

Accordingly, pursuant to the Tenth Circuit's July 12, 2005 Order and Judgment, the Court hereby SETS this matter for resentencing on October 14, 2005, at 9:00 a.m.

IT IS SO ORDERED this 9th day of August, 2005.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE